

UNITED STATES DISTRICT COURT
For the
DISTRICT OF MASSACHUSETTS

GEORGE MICHAEL DOWD,)	
)	
Plaintiff,)	Civil Action No.
vs.)	04-11925 NG
)	
JAMES DOWD,)	
)	
Defendant.)	
)	

JOINT MOTION FOR ENTRY OF PROPOSED ORDER

Now come the parties and jointly move for the entry of the “Proposed Order” submitted herewith. The grounds are stated below.

1. Plaintiff commenced the within action for contract damages in September 2, 2004.
2. Defendant responded by including a counterclaim in his answer.
3. By decision of the Court dated June 30, 2006 Defendant’s motion for summary judgment was allowed as to all counts in the Plaintiff’s Complaint.
4. Thereafter, Defendant moved for separate judgment under Fed. R. Civ. P. 54(b).
5. By decision dated August 21, 2006, this Court denied that motion.
6. Defendant is prepared to dismiss his counterclaim upon the expiration of thirty days following the entry of judgment on Plaintiff’s claims, if no notice of appeal is filed.

WHEREFORE, your movants request that this Court reconsider its decision dated August 21, 2006 denying Defendant's Motion for Separate Judgment Under Fed. R. Civ. P. 54(b), enter judgment against the Plaintiff on his claims, as there is no just reason for delay, and allow the Proposed Order submitted herewith.

Respectfully submitted,
James Dowd
By his attorney,

/S/ Nelson P. Lovins
Nelson P. Lovins, BBO#306020
Lovins & Metcalf
Ten Cedar Street
Woburn, MA 01801
781-938-8800
781-938-4753 (fax)

Respectfully submitted,
George Dowd
By his attorney,


/S/ Damon Scarano
Damon Scarano, Esquire
Attorney At Law
60 Commercial Wharf
Boston, MA 02110
617-367-0395